

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
CAUSE NO: 3:22-cv-728

STANLEY M. MANN,)	
)	
Plaintiff,)	
)	
vs.)	
)	
BNSF RAILWAY COMPANY)	JURY TRIAL DEMANDED
)	
)	F.E.L.A CAUSE OF ACTION
Defendant.)	
)	

COMPLAINT

COMES NOW Plaintiff, Stanley M. Mann, by and through his attorney, Daniel Francis of the Dan Francis Law Firm PLLC, and for his Complaint against the Defendant, BNSF RAILWAY COMPANY, states:

1. Defendant, BNSF RAILWAY COMPANY (hereinafter “BNSF”), is now, and was at all times hereinafter mentioned, a corporation duly organized, created, and existing and was at all times hereinafter mentioned a common carrier in interstate transportation and commerce by rail. BNSF can be served at C T Corporation System, 208 SO LASALLE ST, Suite 814, Chicago, Illinois 60604
2. At all times, pertinent hereto Plaintiff Stanley M. Mann resided in Amory, Monroe County, Mississippi.
3. Venue and jurisdiction are correctly located in the Southern District of Illinois, East St. Louis as the incident occurred in this jurisdiction.

4. At all times, pertinent hereto, Plaintiff Stanley M. Mann, was employed by Defendant BNSF and was engaged in the furtherance of its business interests and movement of freight in interstate commerce within the meaning of the Federal Employers' Liability Act, 45 U.S.C. §51-60. This work included building and repairing interstate railroad tracks, switches, and other maintenance of way equipment and right of ways.

5. The respective rights and remedies of the Plaintiff and Defendant are controlled by the Federal Employer's Liability Act, 45 U.S.C. §51-60, in that Plaintiff was an employee of the Defendant whose job duties closely and substantially affected interstate commerce at the time of the injuries alleged herein.

6. That Plaintiff was employed by Defendant from 2010 to April 17, 2019, in various positions such as truck driver/laborer, MOW grinder, crane operator, and welder foreman and trackman.

7. That on or about April 17, 2019, while employed for the defendant, BNSF, and during the course of his employment for BNSF in Centralia, Marion County, Illinois Plaintiff, while riding as a passenger in the Defendants BNSF's Company van, driven by a company employee, was injured. Stanley Mann was injured because the van driver drove unsafely thru the BNSF railroad yard striking large unavoidable unsafe deep wide potholes in the roadway and causing the plaintiff to be bounced up and down within the vehicle at such a rate and force and impact that upon striking the vehicle, he immediately sustained a permanent, disabling spinal injury to his low back, spine, and related anatomy.

8. Plaintiff timely reported this injury to Defendant and has received

extensive medical treatment for the injuries to his low back, spine, discs, nerves, and related body parts as fully explained and set forth in his treating doctors and health care providers' medical records.

9. Plaintiff states that his injures and damages resulting in whole or in part from the negligent acts and/or omissions of the Defendant and its officers, employees, or agents in one or more of the following particulars:

- a. Failed to furnish Plaintiff with a reasonably safe place to work.
- b. Failed to furnish Plaintiff with reasonably safe equipment with which to do his work.
- c. Failed to reasonably respond to its employee's repeated complaints of the condition of the roadways in the railyard
- d. Failed to provide reasonably safe methods of work and tools by which to perform said work.
- e. Failed to take reasonable action to prevent the van from driving through the potholes and unsafe roadway conditions known to the BNSF that caused the plaintiff physical injuries.
- f. Failed to provide reasonably safe equipment to ride in, operated at a safe speed, and followed a safe pathway to prevent extreme stresses from being transferred to his spine.
- g. Failed to properly provide a reasonable safe driver to avoid the dangers of the yard:
- h. Failed to comply with its own internal standards and regulations for maintenance of the roads and yard conditions.

10. As a result, in whole or in part, of the conduct of the Defendant, Plaintiff was caused to suffer serious, painful, and permanent injuries to his low back, legs, hips, discs, nerves, and related body parts, as set forth in the records of his medical providers and

health care providers. Plaintiff was caused to undergo medical treatment, physical therapy, diagnostic tests, and MRIs as set forth in his medical records.

11. Plaintiff has lost substantial wages, and fringe benefits and will in the future lose further wages and fringe benefits; Plaintiff has lost over \$ 850,000.00 in wages and benefits to the date of filing and will continue to sustain economic loss.

12. Plaintiff has expended or obligated himself for necessary and reasonable medical expenses and hospital care and will in the future be caused to expend further such sums for medical treatment. Plaintiff has suffered pain, scarring, loss or limitation of use, sensation and decreased functional endurance, decreased strength, and decreased stamina and will in the future have pain and suffering, disability, limitations, and mental anguish all because of Defendant's negligence.

13. Plaintiff has physical restrictions from this incident that disable him from Railroad employment.

14. Plaintiff's ability to work, labor, and enjoy the normal pursuits of life has been impaired and lessened all to Plaintiff's damage. Plaintiff has sustained, because of defendant's negligent acts, permanent disability, and limitations that will not be cured. Plaintiff has mitigated his damages and taken all reasonable measures to return to the workforce but remains disabled.

WHEREFORE, Plaintiff, Stanley Mann, prays for Judgment against Defendant BNSF for a sum fair and reasonable under the circumstances, together with his costs herein expended.

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Dated: April 13, 2022

Respectfully submitted

/s/ **Daniel R Francis**

Daniel R. Francis

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